

subject to 503(b)(1) and their labels failed to bear the statement "Caution: Federal law prohibits dispensing without prescription."

DISPOSITION: The consignee of the articles appeared as claimant and filed an answer denying that the articles were subject to seizure. Subsequently, the Government filed interrogatories. On 12-6-60, the claimant died, and, on 1-18-61, the proctor for the claimant having consented, the court entered a decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

6549. Lecithin capsules, strawberry oil, Minovals capsules, and Alma-Cado Oil. (F.D.C. No. 44654. S. Nos. 50-255 P, 50-257 P, 50-259 P, 50-262 P.)

INFORMATION FILED: 11-23-60, S. Dist. Ohio, against Roy C. Elkins, Miami, Fla.

ALLEGED VIOLATIONS: Between 10-7-59 and 10-9-59, while the articles were being held for sale at a health food store in Cincinnati, Ohio, after shipment in interstate commerce, the defendant, in the course of sales talks given by him at a Cincinnati hotel, caused oral representations to be made holding the articles out as a treatment for various diseases, symptoms, and conditions as hereinafter described, which acts resulted in the articles being misbranded.

LABEL IN PART: (Jar) "RoyelkinS 100 CAPSULES LECITHIN Suspended in Soybean Oil Distributed by ROY ELKINS HEALTH FOODS P.O. Box 782 Miami, Fla."; (btl.) "Roy Elkins Strawberry Oil Distributed by ROY ELKINS—BEVERLY HILLS, CALIF. NET CONTENTS 4 FL. OZ."; "RoyelkinS 100 CAPSULES MINOVALS WITH WHEAT GERM OIL Distributed by ROY ELKINS HEALTH FOODS P.O. Box 782 Miami, Fla."; and "Roy Elkins Famous ALMA-CADO OIL CONTAINS NO CHOLESTEROL NET CONTENTS 8 FL. OZS. PRICE \$2.50 Distributed by ROY ELKINS P.O. Box 782, Miami 1, Florida."

CHARGE: 502(f)(1)—the labeling of the articles failed to bear adequate directions for use in the treatment of the diseases, symptoms, and conditions for which the articles were intended, namely, (*lecithin capsules*) disorders of the eyes, ears, circulatory system and cramps; (*strawberry oil*) rheumatoid conditions and neoplasms; (*Minovals capsules*) ulcers; and (*Alma-Cado Oil*) arthritis, disorders of the veins, and warts, which were the diseases, symptoms, and conditions for which the articles were held out by the defendant in the course of the above-mentioned sales talks.

PLEA: Guilty.

DISPOSITION: 4-7-61. Fine of \$250 on each of the 4 counts of the information, with the fine on 3 of the counts being suspended on condition that the defendant not re-enter the health food lecturing business.

6550. Visan Assurance Food Supplement. (F.D.C. No. 44321. S. No. 61-265 P.)

INFORMATION FILED: 9-27-60, E. Dist. Mich., against Jean Kalin, Detroit, Mich.

ALLEGED VIOLATION: On 8-11-59, the defendant, in the course of a sales talk to persons present, made oral representations holding out *Visan Assurance Food Supplement* capsules and tablets as a treatment for the diseases, symptoms, and conditions set forth below, which acts resulted in the articles being misbranded while held for sale.

*See also Nos. 6546-6548.